

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT BECKLEY

In re MASSEY ENERGY CO. SECURITIES)	Civil Action No. 5:10-cv-00689-ICB
LITIGATION)	
)	<u>CLASS ACTION</u>
)	
This Document Relates To:)	The Honorable Irene C. Berger
)	
ALL ACTIONS.)	
)	

**MOTION FOR PRELIMINARY APPROVAL OF
PROPOSED CLASS ACTION SETTLEMENT**

Lead Plaintiff the Commonwealth of Massachusetts Pension Reserves Investment Trust (“Lead Plaintiff” or “Massachusetts PRIT”) and named plaintiff David Wagner (collectively, “Plaintiffs”) on behalf of themselves and all members of the proposed Settlement Class, respectfully move this Court for an Order, pursuant to Rule 23(e) of the Federal Rules of Civil Procedure: (a) granting preliminary approval to the proposed Settlement; (b) certifying the Settlement Class for settlement purposes; (c) approving the proposed form of Notice and Summary Notice; (d) approving the proposed methods of disseminating notice; (e) setting a date for the Settlement Hearing; and (f) such other and further relief as this Court deems just and proper. Defendants will not oppose the motion.

Lead Plaintiff is contemporaneously filing a memorandum and accompanying Declaration of Joel H. Bernstein and exhibits attached thereto, incorporated herein by reference, in support of this Motion.

A proposed Order Granting Preliminary Approval of Class Action Settlement, Approving Form and Manner of Notice, and Setting Date for Hearing on Final Approval of Settlement is also submitted herewith.

Dated: February 5, 2014

By: /s/ Joel H. Bernstein

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CERTIFICATE OF SERVICE

I hereby certify that on the 5th day of February 2014, I will electronically file the foregoing with the Clerk of the Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

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